

**MINUTES OF THE MEETING
OF THE
BOARD OF PHYSICAL THERAPY
April 24, 2006**

CALL TO ORDER

Dr. Wayne Stuberg, Chairperson, called the meeting of the Board of Physical Therapy to order at 9:04 a.m., April 24, 2006 in Conference Room LL-F, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

Roll Call

The following Board members and HHSS staff members were present at the meeting:

Wayne Stuberg, Chairperson, Professional Member
Kent Dunovan, Professional Member
Susan Jeffrey, Secretary, Professional Member
Raymond Frew, Public Member

Diane Hansmeyer, Section Administrator
Patty Pierson, Credentialing Coordinator
Loretta Bennett, Investigator
Susan Strong, Assistant Attorney General

Adoption of the Agenda

Stuberg reordered Old Business discussion of Chapter 25 Amendments for later in the meeting, so that Mary Jo Iwan and Jon Sterns could be present. Jeffrey moved, seconded by Stuberg to adopt the reordered agenda. Voting aye: Stuberg, Jeffrey, Frew, and Dunovan. Voting nay: none. Not voting: none. Motion carried.

Approval of Minutes

Stuberg called for a roll call vote to approve the minutes of the February 13, 2006 meeting. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Abstain: None. Not voting: none. Minutes approved.

INVESTIGATIONAL REPORT(S) (Closed Session)

Stuberg moved, seconded by Jeffrey, to go into closed session at 9:10 a.m. for the purpose of hearing investigational report(s) and protecting the reputation of individual(s). Voting aye: Jeffrey, Frew, Dunovan and Stuberg. Voting nay: none. Not voting: none. Motion carried.

Out of Closed Session

Stuberg moved, seconded by Dunovan, to come out of closed session at 9:42 a.m. Voting aye: Jeffrey, Frew, Dunovan, and Stuberg. Voting nay: none. Not voting: none. Motion carried. Bennett left the meeting after it returned to open session.

LICENSURE APPLICATION

Stuberg moved and Jeffrey seconded a motion to grant a temporary physical therapist assistant's license to Adam Schmidt under the condition that all requirements for licensure have been met. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Not voting: none. Motion carried.

SCOPE OF PRACTICE

In addressing the following question, "Is closed joint manipulation currently within the Nebraska scope of physical therapy practice," Stuberg said the word "manipulation" is at the crux of the question. Stuberg said that the term "manipulation" is not in the Physical Therapy Statute. There is a definition for what Physical Therapists can do within their scope of practice. This includes skilled passive movement to the joints or related soft tissues or both, throughout the normal physiological range of motion that are applied at varying speeds and amplitudes, without limitation.

Stuberg requested that staff write a letter to be disseminated on behalf of the board, which would address the individual's question. Stuberg requested that three points be made in the letter. Point one, the term manipulation does not appear in the statute; point two, in section 118 of LB994 AM 2984 as signed by the governor, the scope of practice is stated; and point three, section 127 defines mobilization or manual therapy.

Stuberg moved and Jeffrey seconded that staff write a letter responding to the scope of practice question. Voting aye: Dunovan, Stuberg, Jeffrey, and Frew. Voting nay: none. Not voting: none. Motion carried.

LEGISLATIVE UPDATE

The final bill was passed as an amendment to LB 994. The amendment was # 2984 and it was signed by the Governor and will go into effect July 14, 2006. There were a number of negotiations that had to take place in reference to getting the law finalized. The term diagnosis was removed because the Nebraska Medical Society was not in favor of that word being used in any other health care profession than its own. Instead, the physical therapist would "develop a plan of care." A similar concern existed regarding electrotherapy diagnostic testing because of the use of the word diagnosis. Negotiations were conducted and the word "diagnostic" was removed and replaced with assessment.

A negotiation with the schools, specifically Lincoln Public Schools occurred relating to the Chapter 25 regulations and the utilization of aides in the provision of physical therapy services. These regulations regarding how billing was occurring to Medicaid for children receiving special education in school was a primary concern and has been resolved both thorough compromise wording in LB 994 AM 2984 and the current revision that is underway in Chapter 25 wording by Health and Human Services System.

LAP REPORT

Hansmeyer gave the board a quarterly report on licensee usage of the Licensee Assistance Program. Hansmeyer pointed out that an article on chemical dependency is included with each

quarterly report. She said these types of stories would be appropriate to include in association newsletters and are sent to associations for that purpose.

NEW BUSINESS

FSBPT Annual Meeting

Hansmeyer distributed and discussed information regarding the Federation of State Boards of Physical Therapy's annual meeting to be held in Portland, Oregon from September 9-11. Hansmeyer reported that the FSBPT would fund a delegate, alternate, and administrator and that the State of Nebraska would fund the other members of the board if they wanted to attend. Jeffrey moved, seconded by Frew that Stuberg act as the voting delegate, Dunovan attend as the alternate if his schedule permitted, and Hansmeyer attend the meeting as the administrator. Voting aye: Dunovan, Stuberg, Jeffrey, and Frew. Voting nay: none. Not voting: none. Motion carried.

Reaffirmation of Mail Ballots

Hansmeyer said that State statute requires that all mail ballots needed to be reaffirmed during regular board meetings. For the record, Stuberg read that William Jordan had requested reinstatement of physical therapist licensure after one-year revocation due to non-payment of renewal fees, Catherine Cordery had requested reinstatement of physical therapist licensure after one-year revocation due to non-renewal, and Troy Harker had applied for original certification as a physical therapist assistant following a misdemeanor offense. Stuberg moved and Jeffrey seconded the affirmation of licensure for all three. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Not voting: none. Motion carried.

Collaborative Practice with Veterinary Medicine and Surgery

Stuberg reported that the Board of Veterinary Medicine and Surgery had a topic item on its April 24, 2006 agenda regarding collaborative practice with other professions. Physical Therapy was one of the mentioned professions. The Board of Veterinary Medicine and Surgery is concerned that individuals be adequately credentialed when providing services to animals that might benefit from rehabilitation following surgery or in conjunction with other conditions. Stuberg said that in some states, the practice of physical therapy on non-humans is a specialty area of practice. In Nebraska, Kirk Peck, a faculty member at Creighton University, Department of Physical Therapy Education has expressed interest in working on development of this area. Stuberg suggested the Board of Physical Therapy send a letter to the Board of Veterinary Medicine and Surgery saying it would be interested in appointing a liaison to assist with developing a guideline for practicing physical therapy on non humans. Stuberg volunteered to draft the letter. Stuberg moved and Dunovan seconded that Kirk Peck be asked to act as The Board of Physical Therapy's liaison to the Veterinary Board. Voting aye: Jeffrey, Frew, Dunovan, and Stuberg. Voting nay: none. Not voting: none. Motioned carried.

Development of New PT Regulations

Hooked on Evidence Review for CE Credit:

Discussion was conducted regarding writing reviews of published articles for continuing education contact hours. Stuberg moved, seconded by Dunovan that one contact hour be granted for completion of a scientific review of a research paper and completion of a publication for a

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professionally recognized database as approved by the board such as APTA Hooked on Evidence and/or PEDRO. No more than five articles per renewal period would be allowed for continuing education credit toward licensure renewal. Voting aye: Frew, Dunovan, Stuberg, and Jeffrey. Voting nay: none. Not voting: none. Motion carried.

Visa Screening:

Denise Conley of Atlas Staffing, Incorporated asked in an email if the board would consider changing its regulations to say it will accept a Visa Screen. Currently, those seeking licensure or certification based on training in a foreign country must demonstrate proficiency in the English language. Currently, the regulations recognize the following examinations administered by Educational Testing Service: Test of English as a Foreign Language (TOEFL), Test of Written English (TWE), and Test of Spoken English (TSE). Ms. Conley stated that the Visa Screen requires that the applicant pass the TOEFL, TWE and TSE with the same minimum scores that are required by Nebraska Regulations. She further stated it was a national requirement that all foreign trained candidates take the visa screen. Therefore, it is redundant to require an applicant to retake TOEFL, TWE and TSE. Hansmeyer said she would send an email to Ms. Conley saying we appreciated her suggestion and the board would be willing to incorporate her suggestion at such a time when it revised the regulations.

Workplan for Developing New Regulations:

Stuberg suggested a work plan where the board completes a draft of the regulations within the next three months. This fall public hearings will be conducted throughout the state, after which a board meeting will be held to address any concerns brought up during the public meetings. He also hoped that the draft regulations could be supported by a vote of the Nebraska Physical Therapy Association. After that, the Board of Health and the Department Director must sign off on the draft regulations. A timeline will be created by staff to monitor the progress of the revision process. Three task force groups will be created to address specific regulation issues. A professional board member will chair each group. The board's public member will share in discussion of the board's completed revision and any issues brought forth during the public hearings.

LB994, AM 2984, Section 135 says that methods and techniques of fine wire electromyography testing needs to be approved by the board. Stuberg said that the board needs to develop an approval process regarding fine wire electromyography, since the board has the authority to establish the requirements to perform fine wire electromyography.

There was a brief discussion concerning the new statutory language regarding diagnostic needle electromyography and nerve conduction velocity testing. Dr. Stuberg will contact the Board of Medicine and Surgery to coordinate wording for the new Regulations in this area.

Break at 2:30. Meeting resumed at 2:36 p.m.

OLD BUSINESS

Chapter 25 Amendments

Jon Sterns and Mary Jo Iwan of Health and Human Services System Finance and Support attended this portion of the meeting to address the six concerns addressed by the Board of Physical Therapy in the letter regarding the Chapter 25 draft amendment. Chapter 25 addresses

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special education school-based services provided by speech, occupational and physical therapy. Mr. Sterns addressed each concern that Dr. Stuberger submitted in a letter on behalf of the Board of Physical Therapy. Mr. Sterns and Ms Iwan agreed to removing 25-003.04B in order to avoid confusion between physical therapy services provided and supervised by a physical therapist (25-001.02 and 25-003.02) and those services provided by a personal assistant aide/paraprofessional (25-001.04 and 25-003.04). The board concluded that each concern was adequately addressed and agreed with the suggested resolutions.

MISCELLANEOUS

Stuberger suggested that the Regulation Task Force Groups meet as soon as possible. The board decided that another board meeting needed to be scheduled in the month of June to discuss the draft wording. Staff will coordinate the scheduling of this additional meeting.

ADJOURNMENT

Dr. Stuberger adjourned the meeting at 3:38 p.m.

Respectfully Submitted,

Raymond Frew

Prepared By: Patty Pierson, Credentialing Coordinator